

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED

AUG 01 2008

MICHAEL W. DOBBINS  
CLERK U. S. DISTRICT COURT

Ms. Toy A. Collins )  
P.O. Box 1031 )  
Rockford, IL 61105 )  
(Name of the plaintiff or plaintiffs)

CIVIL ACTION

NO. 08 C50160

Judge Kapala

v.

American Red Cross )  
727 N. Church Street )  
Rockford, IL 61103 )  
(Name of the defendant or defendants)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Ms. Toy A. Collins of the  
county of Winnebago in the state of Illinois.

3. The defendant is American Red Cross, whose  
street address is 727 N. Church Street,  
(city) Rockford (county) Winne. (state) IL (ZIP) 61103  
(Defendant's telephone number) (815)-963-8471

4. The plaintiff sought employment or was employed by the defendant at (street address)

727 N. Church (city) Rockford  
(county) Winnebago (state) IL (ZIP code) 61103

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.  
 (b) ☐ was hired and is still employed by the defendant.  
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,  
 (month) 7, (day) 17<sup>th</sup>, (year) 2006.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ has not filed a charge or charges against the defendant ☒ has asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about  
 (month) 8 (day) 31 (year) 2006.

(ii) ☒ the Illinois Department of Human Rights, on or about  
 (month) Jan. (day) 28 (year) 2008.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) \_\_\_\_\_  
(day) \_\_\_\_\_ (year) \_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) 5 (day) 8 (year) 2008 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☒ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☒ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): They took my authorization to teach health & safety classes anywhere in the United States

and Nationwide. They took all of my certifications to be a first responder. They took my accredited hours to pursue other community jobs. I can no longer have the credentials to help in the community.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

1.) Policy book 2. Local attorney 3. Witnesses  
4.) ALL Legally binding materials pertaining to my case have been submitted to the EEOC. 5. They threw away my Bible on several occasions.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

(a) ☒ Direct the defendant to hire the plaintiff.

(b) ☒ Direct the defendant to re-employ the plaintiff.

(c) ☐ Direct the defendant to promote the plaintiff.

(d) ☒ Direct the defendant to reasonably accommodate the plaintiff's religion.

(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☒ Direct the defendant to (specify): Give back to plaintiff

Previous Certifications, and all volunteer

Accredited hours.

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

61114  
4732 LANDRY PL PO BOX 1031 ROCKFORD, IL 61125

(City) Rockford (State) IL (ZIP) 61114

(Plaintiff's telephone number) 815 - 670-0373

Date: 8/01/08

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2008-01778

and EEOC

**Illinois Department Of Human Rights**

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Toy A. Collins**

Home Phone (Ind. Area Code)

**(815) 633-1324**

Date of Birth

**11-16-1959**

Street Address

**P.O. Box 1031, Rockford, IL 61105**

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**AMERICAN RED CROSS**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(815) 963-8471**

Street Address

**727 N. Church Street, Rockford, IL 61103**

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☒ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☒ AGE☐ DISABILITY☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02-01-2006****07-09-2007**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in October 2000. My most recent position was Health and Safety Director. During my employment, I filed a charge of employment discrimination with the EEOC (Charge Number 440-2006-09242) against Respondent. Subsequently, I was further subjected to different terms and conditions of employment and on July 9, 2007, I was discharged.

I believe I have been discriminated against because of my race, Black, my religion, Pentecostal, and that I have been retaliated against for engaging in a protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I also believe I have been discriminated against because of my age, 48 (DOB 11-16-1959) in violation of the Age Discrimination in Employment Act of 1967, as amended.

**RECEIVED EEOC**

JAN 28 2008

**CHICAGO DISTRICT OFC**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

EEOC Form 212-A (3/98)

## U.S. Equal Employment Opportunity Commission

TO: **Illinois Department Of Human Rights**  
**100 West Randolph Street**  
**Floor 10-100**  
**Chicago, IL 60601**

Date **January 28, 2008**  
 EEOC Charge No.  
**440-2008-01778**  
 FEPA Charge No.

## CHARGE TRANSMITTAL

## SUBJECT:

**Toy A. Collins**

v.

**AMERICAN RED CROSS***Charging Party**Respondent*

Transmitted herewith is a charge of employment discrimination initially received by the:



EEOC

*Name of FEPA*

on

**1-28-2008***Date of Receipt*

Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC.



Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA.



The worksharing agreement does not determine which agency is to initially investigate the charge.



EEOC requests a waiver



FEPA waives



No waiver requested



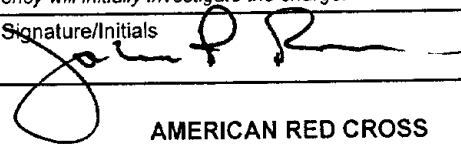
FEPA will investigate the charge initially

*Please complete the bottom portion of this form to acknowledge the receipt of the charge  
 and, where appropriate, to indicate whether the Agency will initially investigate the charge.*

Typed Name of EEOC or FEPA Official

**John P. Rowe, District Director**

Signature/Initials

**Toy A. Collins**

v.

**AMERICAN RED CROSS***Charging Party**Respondent*

## TO WHOM IT MAY CONCERN:



This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge.



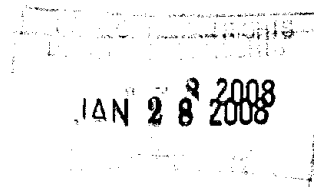
This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge.



This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency.



This will acknowledge receipt of the referenced charge and indicate this Agency's intention to dismiss/close/not docket the charge for the following reasons:



Typed Name of EEOC or FEPA Official

**Rocco J. Claps, Director**

Signature/Initials



TO:

**Chicago District Office**  
**500 West Madison St**  
**Suite 2800**  
**Chicago, IL 60661**

Date **January 28, 2008**  
 EEOC Charge No.  
**440-2008-01778**  
 FEPA Charge No.



**CHARGE OF DISCRIMINATION**

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Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

**440-2006-09242****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Toy A. Collins**

Home Phone (Incl. Area Code)

**(815) 633-1324**

Date of Birth

**11-16-1959**

Street Address

City, State and ZIP Code

**4732 Landau Place, Rockford, IL 61114**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**AMERICAN RED CROSS**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(815) 963-8471**

Street Address

City, State and ZIP Code

**Rock River Chapter, 727 North Church Street, Rockford, IL 61103**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☐

RETALIATION

☐

AGE

☐

DISABILITY

☐

OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**09-15-2003****08-31-2006**☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I began volunteer employment with Respondent in 1998 and paid employment in October 2000. My current position is Health and Safety Director. Beginning on or about September 15, 2003 and continuing, Respondent has discriminated in its hiring/placement process. I have complained to management about this issue, but no action has been taken to stop the practice.

I believe I have been discriminated against because of race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

**RECEIVED EEOC****AUG 31 2008****CHICAGO DISTRICT OFC**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Aug 31, 2006**

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

EEOC Form 161-B (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Toy A. Collins  
P.O. Box 1031  
Rockford, IL 61105

From: Chicago District Office  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

CERTIFIED MAIL 7000 1670 0012 6742 7561

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-01778

Donald Marvin,  
Investigator

(312) 353-8198

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☒

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*John P. Rowe*

John P. Rowe,  
District Director

5-8-08  
(Date Mailed)

Enclosures(s)

cc: AMERICAN RED CROSS



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Chicago District Office**

500 West Madison St., Suite 2800  
 Chicago, IL 60661  
 PH: (312) 353-2713  
 TDD: (312) 353-2421  
MEDIATION FAX: (312) 353-6676

**Acceptance/Objection to Mediation**

1. This Acceptance/Objection is submitted to Mary B. Manzo, ADR Coordinator, Equal Employment Opportunity Commission, with respect to the referral to mediation of:

EEOC Charge Number 440-2008-01778

Charging Party Toy Collins

Respondent \_\_\_\_\_

2. The undersigned is (check one):

☒ (a) the Charging Party  
☐ (b) an officer/official of the Respondent  
☐ (c) attorney of record in this matter for \_\_\_\_\_ (a), \_\_\_\_\_ (b).

3. I/my client have/has reviewed the materials provided by the EEOC describing its mediation services, and are fully informed regarding the benefits and responsibilities involved in use of those services.

4. Upon due consideration, I/my client have/has determined to (check one):

☐ Accept referral of the above-referenced Charge to mediation. It is understood that you will be contacted by the mediator assigned to this Charge in the near future to arrange for a mediation conference date.

☐ Object to referral of the above-referenced Charge to mediation. It is understood that rejection of EEOC mediation services is a waiver of the opportunity to use these services, which will result in the referral of this Charge to investigation upon receipt of this submission.

☒ Undecided at this time and requesting contact by the Mediation Unit to discuss.

Date

1/26/08

Signature of Party/Attorney

Toy Collins

Name:

Toy Collins

Phone:

815 670-0373

Address:

4732 LANDAU PLACE

Fax:

815 633-1324

Rockford, IL 61114

Email:

Kingme@aol.com

PO Box 1031  
Rockford, IL 61105

**CHARGE OF DISCRIMINATION**

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Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2008-01778****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Toy A. Collins**

Home Phone (Incl. Area Code)

**(815) 633-1324**

Date of Birth

**11-16-1959**

Street Address

City, State and ZIP Code

**P.O. Box 1031, Rockford, IL 61105**

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Name

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No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(815) 963-8471**

Street Address

City, State and ZIP Code

**727 N. Church Street, Rockford, IL 61103**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☒ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☒ AGE☐ DISABILITY☐ OTHER (Specify below.)DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest**02-01-2006****07-09-2007**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in October 2000. My most recent position was Health and Safety Director. During my employment, I filed a charge of employment discrimination with the EEOC (Charge Number 440-2006-09242) against Respondent. Subsequently, I was further subjected to different terms and conditions of employment and on July 9, 2007, I was discharged.

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I also believe I have been discriminated against because of my age, 48 (DOB 11-16-1959), in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

ILLINOIS DEPARTMENT OF  
**Human Rights**

Rod R. Blagojevich, Governor  
Rocco J. Claps, Director

*Top over 100  
days DA 7/9/07  
DE 7/28/08 me.  
100% EEOC 2026-00  
from Chicago.*

April 02, 2008

Ms. Toy A. Collins  
P.O. Box 1031  
Rockford, IL 61105

**Re: Toy A. Collins v. American Red Cross, Control No.: 080307066**

Dear Complainant:

The United States Equal Employment Opportunity Commission (EEOC) and the Illinois Department of Human Rights (Department) are parties to a cooperative agreement. Under this agreement, when you filed your charge of discrimination with the EEOC it was automatically filed with the Department. The Department is keeping a copy of your EEOC charge on file to preserve jurisdiction under Illinois law.

This letter is to inform you that you may proceed with your charge at the Department. **This does not affect the processing of your charge at EEOC.** If you wish to proceed with the Department, you must notify the Department in writing of your decision, either by mail or in person, within 35 days of receipt of this letter.

By Mail: Your written decision should be sent via U.S. Postal certified mail, return receipt requested, to: IL Department of Human Rights, Attn: EEOC Referred Charges/Intake Unit, 100 W. Randolph St., Ste. 10-100, Chicago, IL 60601.

In Person: You must bring an original and one copy of your written decision. The Department will stamp the copies and one will be returned to you for your records.

You should also provide to the Department (Attn: EEOC Referred Charges/Intake Unit) a copy of the EEOC Determination and Findings as soon as you receive them from the EEOC. When the Department receives your documents, you will be mailed a letter containing additional information about your case.

Your failure to timely notify the Department of your decision will result in the Department closing your file. If you do not wish to proceed with the Department, you do not need to take any further action.

As stated above, this letter does not affect the processing of your charge at the EEOC, and does not apply to any settlement of this charge the parties have made with the EEOC. **If you have any questions regarding this process, please contact Thomas F. Roeser, Pre-Investigations Coordinator, at (312) 814-6295. Please do not contact the EEOC.**

It is not necessary that Respondent take any action at this time.

THE DEPARTMENT OF HUMAN RIGHTS

**CC: Director of Human Resources  
American Red Cross  
727 N. Church Street  
Rockford, IL 61103**